

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARK GIRARDEAU, *et al.*,

Plaintiffs,

vs.

JACK ANDREW HOBBS, *et al.*,

Defendants.

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Case No. 4:21-cv-01265-MTS

**MEMORANDUM AND ORDER**

This case is before the Court on Plaintiffs’ Amended Motion for Leave To File a Second Amended Complaint, Doc. [42], in which Plaintiffs seek leave to amend their complaint to add additional defendants and additional facts that they allege support additional claims. No Defendant currently entered in this case objects to the amendment.

The only jurisdictional basis Plaintiffs offer for this case in this Court is diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1). *See* Doc. [43-3] ¶ 16. To have diversity jurisdiction in this case, besides the amount in controversy exceeding \$75,000, all plaintiffs must be diverse from all defendants in such a way that “no defendant is a citizen of the same state as any plaintiff.” *Wilkerson v. Mo. Dep’t of Mental Health*, 279 F. Supp. 2d 1079, 1080 (E.D. Mo. 2003). The face of the First Amended Complaint establishes subject matter jurisdiction in this case as to the current Plaintiffs and Defendants. Doc. [5] ¶¶ 7-15.

The Defendants that Plaintiffs seek to add are limited liability companies, and their citizenship for diversity purposes will be determined by the citizenship of the LLCs’ members. *GMAC Com. Credit LLC v. Dillard Dep’t Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Plaintiffs, though, have been unable to determine the identities of the members of the

prospective-Defendant LLCs. Therefore, Plaintiffs are unable to determine the citizenship of those parties, and they seek leave to amend to add them as Defendants based upon information and belief that will likely have evidentiary support after a reasonable opportunity for discovery.

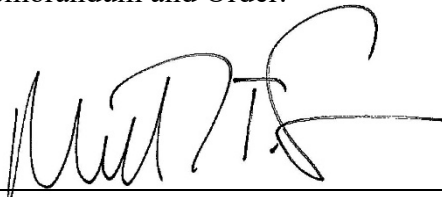
The Court will allow it and will grant Plaintiffs leave to propound limited jurisdictional discovery. Plaintiffs shall have sixty (60) days from the date of this Memorandum and Order to serve BBCL Freight, LLC and Strive Logistics, LLC and conduct limited jurisdictional discovery related to their citizenship. Any request for extension must be offered in conformity with Federal Rule of Civil Procedure 6(b). In addition, Plaintiffs shall file with the Court certificates of service for any such discovery issued under this Memorandum and Order, Local Rule 3.02 notwithstanding.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' Amended Motion for Leave to Amend, Doc. [42], is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs are granted leave to conduct limited jurisdictional discovery consistent with this Memorandum and Order.

Dated this 10th day of March, 2022.



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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE